

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

TRISTAR PRODUCTS, INC.,

Plaintiff,

v.

TEKNO PRODUCTS INC.,

Defendant.

C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, Tristar Products, Inc. (“Plaintiff” or “Tristar”), brings this action against defendant Tekno Products Inc. (“Defendant” or “Tekno”), and in support thereof avers the following:

PARTIES

1. Tristar is a Pennsylvania corporation that maintains its principal place of business at 492 Route 46 East, Fairfield, New Jersey 07004.

2. Tristar is the assignee of U.S. Patent No. D772,641 (the '641 patent), protecting the design of a pan for use in cooking. Tristar utilizes the design that is protected by the '641 patent in its highly successful “COPPER CHEF” square pan. The COPPER CHEF pan has been the subject of extensive promotion and has attained immense success in the marketplace. A copy of the '641 patent is attached as **Exhibit A**.

3. On information and belief, Tekno is a New Jersey corporation with its principal place of business at 301 NJ-17, Rutherford, New Jersey 07070.

4. On information and belief, Tekno is a direct competitor to Tristar and has launched a “Copper Cook Square Pan Set” that is a direct knockoff of the genuine COPPER CHEF product despite Tekno having no right to use the design protected by the ’641 patent.

5. A side-by-side comparison of the products reveals the extent to which Tristar’s protected design has been appropriated by Tekno and the infringing nature of the Tekno product¹:

Genuine Tristar COPPER CHEF Product	Tekno “Copper Cook” Product	Design of ’641 Patent
		

JURISDICTION AND VENUE

6. This is an action for patent infringement based upon and arising under the patent laws of the United States 35 U.S.C. § 101 *et seq.*, including §§ 271, 281, 283, 284, 285.

7. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 (federal question), and 1338 (patent actions).

8. This Court has personal jurisdiction over Defendant and venue is proper under 28 U.S.C. § 1391(b) and (c) and § 1400(b). Tekno has committed acts of infringement in this District, and this action arises from those acts. Upon information and belief, Tekno has regularly engaged in business in this State and District and purposefully availed itself of the privilege of

¹ Although the design is depicted in black and white in the ’641 patent as issued, the specification makes clear that the application for the patent included a colored depiction of the design.

conducting business in this District, for example, by offering for sale and selling the Accused Product in this District.

THE PATENT INFRINGED

9. On November 29, 2016, inventors Keith Mirchandani and Mo-Tsan Tsai were duly and legally issued United States Letters Patent D772,641 for an ornamental design entitled “PAN.”

10. Plaintiff is the co-owner by assignment of all rights, title, and interest in and to the '641 patent with standing to enforce said patent, and is the co-owner thereof with Ke M.O. House Co., Ltd.

11. Upon information and belief, Tekno has infringed, and continues to infringe, the '641 Patent.

COUNT I - PATENT INFRINGEMENT

12. Upon information and belief, Tekno has infringed, and continues to infringe, the '641 Patent, in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, selling and/or importing, within this judicial district and elsewhere in the United States, without license or authority from Plaintiff, products that fall within the scope of the '641 Patent, including at least the “Copper Cook Square Pan Set.”

13. Upon information and belief, Tekno has actively induced and is actively inducing infringement of the '641 Patent in violation of 35 U.S.C. § 271(b), by actively and knowingly aiding and abetting others to directly make, use, offer for sale, sell and/or import within this judicial district and elsewhere in the United States, without license or authority from Plaintiff, products falling within the scope of the '641 Patent, including at least the “Copper Cook Square Pan Set.”

14. Plaintiff has and will continue to be injured by Tekno's past and continuing infringement of the '641 Patent and is without adequate remedy at law.

15. Upon information and belief, unless enjoined, Tekno will continue to infringe the '641 Patent, and Plaintiff will suffer irreparable injury as a direct and proximate cause of Tekno's conduct.

DEMAND FOR RELIEF

WHEREFORE, Tristar respectfully requests that this Court enter judgment in its favor and against Tekno Products Inc., and that it grant Tristar the following relief:

- (a) A judgment under 35 U.S.C. § 271 that Tekno's product infringes the '641 patent;
- (b) An order under 35 U.S.C. §283 preliminarily and permanently enjoining Tekno from infringing the '641 patent;
- (c) An award of damages under 35 U.S.C. § 284 adequate to compensate Tristar for Tekno's infringement of the '641 patent and an accounting to determine the proper amount of such damages;
- (d) Enhanced damages as a result of Tekno's willful, wanton, and deliberate acts of infringement;
- (e) An award pursuant to 35 U.S.C. § 284 of costs, prejudgment, and post-judgment interest on Tristar's compensatory damages;
- (f) An award pursuant to 35 U.S.C. § 285 of Tristar's attorneys' fees incurred in this action;
- (g) An order directing the recall and destruction of any and all existing Tekno products that infringe the '641 patent; and

(h) Such other and further relief as this Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues presented in this Complaint.

Dated: December 30, 2016

Respectfully submitted,

PLAINTIFF TRISTAR PRODUCTS, INC.

By its attorneys,

/s/ Jeffrey K. Techentin

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